IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 11743 of 2001

Between:

Eluru Nageshwara Rao S/o Subba Rayudu
R/o Murthampeta Village Salipeta Panchayat,
Gudluru Mandal, Prakasham District.

..... PETITIONER

AND

1.State of Andhra Pradesh, rep. by its Secretary,

Revenue Department,
Secretariat, Hyderabad.
2. The District Collector
Prakasham District,
Ongole.
3. The Revenue Divisional Officer
Kandukuru, Prakasham District.
4. The Mandal Revenue officer,

Gudluru Mandal, Prakasham District.
5. Gollapolu Subbaiah s/o Kondaiah
R/o Ravuru Village Gudluru Mandal,
Prakasham Dist.
6. Badugu Nageswara Rao S/o Subbaiah
R/o Murthampeta Villages Gudluru Mandal,
Prakasham district.
7. Challa Seshaiah s/o Peda Kotaiah

Murthampeta Village Gudluru Mandal,
Prakasham dist.
8. Chapala Mastanama w/o Subba rao
Karlapalem Village, Gudluru Mandal,
Prakasham district.
9.Jammu Srinu s/o Venkateswarlu
R/o Ramayampatnam, Vudapadu Mandal, Prakasham District
10. Gobannaboina Kondababu s/o Malakondaiah
Murthampeta Village, Gudluru Mandal
Prakasham Dist.
11.Jammu Maliadri s/o Obulu
R/o Ramayapatnam, Vudapadu Mandal,
Prakasham dist.
12. Yeluru Koteswara Rao S/o Kotaiah
Murthampeta Village, Gudluru Mandal ,
Prakasham District.
13.Osuru Sunder Rao s/o Murthampeta Village
R/O Murthampeta Village Gudluru Mandal,
Prakasham District.
14. Appoji Sarojanamme W/o Nityanandam
Ramayapatnam Village, Vudavapatnam Mandal
Prakasham district.
15. Chapala Nageswara Rao S/o Kondaiah
R/o Karlapalem Village, Gudluru Mandal
Prakasham dist.
16.Gollapolu Srinivasulu S/o Kondaiah
R/O Ravuru Village Gudluru Mandal,
Prakasham district.
17. Kavurthapu Venkata Kistaiah s/o Narayana
R/o Salipeta Village, Gudluru Mandal,
Prakasham Dist.
18. J.M. Franklin s/o Joseph
R/o Salipeta (village) Gudluru Mandal,
Prakasham dist.
19. Challa Ramulu s/o Peda Kotaiah
Murthampeta Village Gudluru Mandal, Prakashma Dist
20.Sennyboyna Kotaiah s/o Jalaiah
R/o Salipeta Village, Gudluru Mandal,
Prakasham, Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction one in the nature of Mandamus declaring the inaction of the Respondents 1 to 4 in not removing the aqua ponds in the Government Poramboke lands situated in Survey Nos. 28,37,38/1,39,47,49/1,57,542,511,514 and 491 of Murthampeta Village, Salipeta Panchayat of Gudluru Mandal, Prakasham District as illegal, arbitrary and violative of Section 3 of Environment Protection Act, 1986 and to direct the Respondents 1 to 4 to destroy and demolish the aqua ponds situated in above survey numbers of Murthampeta Village, along with the bunds forthwith and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.K.SOMESWARA KUMAR

Counsel for the Respondent Nos.1 to 4 : GP FOR REVENUE

Counsel for the Respondents 5 to 20: Mr.M.S.N. Prasad.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Complaint was made as regards inaction on the part of the respondents 1 to 4 in not removing the aqua ponds in the Government poramboke lands, which were being used for aqua culture.

In the affidavit-in reply of Syed Ameer Basha, Mandal Revenue Officer, Gudlur Mandal, he admitted that there were some encroachments by the villagers for aqua culture. But, on receipt of the orders from the High Court, inspection was carried out and action was taken for removal of the encroachments. The Station House Officer was also requested to file criminal case against the persons who made aqua culture in the Government lands. It is stated that encroachers have been evicted from the government land.

In view of the affidavit-in reply, no further action is required to be taken in this Writ Petition, which stands closed. No costs.

_____

DEVINDER GUPTA, C.J.

23.8.2004.

_____

C.V.RAMULU, J.

VR.

Sd/- P.V. RADHA KRISHNA RAO,

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Secretary to Govt. of Andhra Pradesh,

Revenue Department,
Secretariat, Hyderabad.
2. The District Collector
Prakasham District,
Ongole.
3. The Revenue Divisional Officer
Kandukuru, Prakasham District.
4. The Mandal Revenue officer,

Gudluru Mandal, Prakasham District.

5. Two CCs to Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.

kul.

Dt: 23-8-2004

Order

w.P.No. 11743 of 2001

Closing the W.P. without costs.